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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,118	01/28/2002	Steven Andrew Battle	60005719-2	2630

7590 06/30/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
VIEAUX, GARY	

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/056,118	BATTLE ET AL.	
	Examiner	Art Unit	
	Gary C. Vieaux	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-71* is/are pending in the application.

4a) Of the above claim(s) *1-26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *27-71* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Amendment

The Amendment filed April 12, 2005 has been received and made of record. In response to the first Office Action, the Drawings and the Specification have been amended, claims 1-26 have been cancelled, and claims 27-71 have been added.

Response to Amendments

In response to Applicant's amended Drawings, the Examiner finds the amended figure 4 to address the previous inconsistencies between the Drawings and the Specification in regards to the e-service provider, and therefore, this objection to the Drawings is hereby withdrawn.

In response to Applicant's amended Specification, the Examiner finds the amendments to directly address the previous inconsistencies between the Drawings and the Specification, and therefore, these objections to the Drawings are hereby withdrawn.

Objections to claims 18 and 20 have been rendered moot by way of cancellation of these claims, and therefore, these objections are hereby withdrawn.

In response to Applicant's amended Title, the Examiner finds that the newly amended Title is more indicative of the invention to which the claims are directed, and therefore, the objection to the Title is hereby withdrawn.

Response to Arguments

Applicant's arguments with respect to claims 27-71 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 57 and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 57 recites the limitation "said personal data" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of evaluation of the claim on its merits, this limitation will be interpreted to equate to data for identifying a user, as supported by claim 56, from which claim 57 is dependent.

Claim 58 recites the limitation "said personal data" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of evaluation of the claim on its merits, this limitation will be interpreted to equate to data for identifying a user, as supported by claim 56, from which claim 58 is dependent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44-50, 56 and 70 are rejected under 35 U.S.C. 102(e) as being anticipated by Donnelly et al. (US 6,809,762).

Regarding claim 44, Donnelly teaches a method to automatically capture an image in response to the use of a personalized ID card (col. 4 lines 12-20 and 57-67), in which a user providing delivery details (col. 5 lines 63-65) and credit card information (col. 3 line 64 – col. 4 line 12, col. 5 lines 50-51) only pays for photographs that are taken (col. 3 lines 55-56.)

Regarding claim 45, Donnelly teaches all the limitations of claim 45 (see the 102(e) rejection of claim 44 supra) including teaching a method further comprising collecting electronic account data describing a financial account of said user person (col. 3 line 64 – col. 4 line 9), and using said electronic account data and electronic user registration data to collect payment for said supply of said image (col. 5 lines 46-53.)

Regarding claim 46, Donnelly teaches all the limitations of claim 46 (see the 102(e) rejection of claim 44 supra) including teaching a method further comprising collecting delivery destination information and then delivering the photos to that destination (col. 5 line 63 – col. 6 line 4.)

Regarding claim 47, Donnelly teaches all the limitations of claim 47 (see the 102(e) rejection of claim 44 supra) including teaching a method further comprising

collecting delivery destination information and then delivering the photos to that destination via electronic mail (col. 5 line 63 – col. 6 line 4.)

Regarding claim 48, Donnelly teaches all the limitations of claim 48 (see the 102(e) rejection of claim 44 supra) including teaching a method further comprising collecting delivery destination information and then delivering the photos to that destination (col. 5 line 63 – col. 6 line 4.) Donnelly also teaches transmitting said photographic image data between first and second computer entities as electronic data (col. 5 lines 12-16 and lines 54-60; in which the data is digitally captured in a camera and transmitted from the site to the server, and then transferred to a printer), at said second computer entity, converting said photographic image data into a physical photographic print (col. 5 lines 58-63), physically delivering said physical photographic print to a physical said delivery destination (col. 5 line 63 – col. 6 line 4.)

Regarding claim 49, Donnelly teaches all the limitations of claim 49 (see the 102(e) rejection of claim 44 supra) including teaching a method further comprising sending said electronic account data describing an account details of a said user, to a third party computer entity (col. 4 lines 3-9), and collecting a payment from said third party computer entity (col. 4 lines 10-12.)

Regarding claim 50, Donnelly teaches all the limitations of claim 50 (see the 102(e) rejection of claim 44 supra) including teaching a method wherein said photograph image data is generated in response to an input signal received in close physical proximity to a site of capture of said photograph image data (col. 4 lines 40-64.)

Regarding claim 56, Donnelly teaches a camera installation comprising a camera capable of taking a photographic image data capturing an image over a field area of a size capable of containing at least one human individual (col. 4 lines 55-67), an activation device for activating said camera device to capture a said photographic image data (col. 4 lines 12-20), a user portable identification device carrying a unique identifier data for identifying said user (col. 4 lines 12-20), and a data entry device capable of receiving data identifying a user of the camera installation, the data entry device being provided in close physical proximity to said camera device (col. 4 lines 60-61), wherein said data entry device operates to receive an identification signal from said user portable identification device, uniquely identifying said user, and to determine whether an image of said user corresponding to said user identification data is instructed to be captured (col. 4 lines 60-61; fig. 2 step 41), and if as a result of said determination, said image is instructed to be captured, said camera operates in response to said signal received from said activation device to capture an image of said person carrying said user portable identification device (col. 4 lines 55-67; fig. 2 step 41), wherein activation of said camera to capture said image automatically creates a contract for the supply of said image (col. 3 lines 55-56.)

Regarding claim 70, Donnelly teaches a system which automatically captures an image in response to the use of a personalized ID card (col. 4 lines 12-20 and 57-67), and in which a user providing delivery details (col. 5 lines 63-65) and credit card information (col. 3 line 64 – col. 4 line 12, col. 5 lines 50-51.) Donnelly also teaches at least one service provider computer entity (fig. 1 indicator 22; col. 4 lines 33-39)

configured to receive said image data from a said camera installation (col. 5 lines 14-16), receive user registration data describing personal details of a user (col. 4 lines 10-15) and receive delivery address data specifying a delivery destination for delivery of a photographic product (col. 5 line 63 – col. 6 line 4), said at least one service provider computer entity is also configured to receive user account data describing financial account data of a user (col. 3 line 64 – col. 4 line 9; col. 4 lines 33-39), send said digital image data to a destination specified by said delivery address data (col. 5 line 63 – col. 6 line 4), and send said account data to a financial institution for effecting payment of a monetary amount from said user (figure 1; col. 4 lines 3-12 and lines 33-39.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 27-37, 39, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Ogasawara (US 6,513,015), in view of Brennan (US 5,587,740.)

Regarding claim 27, Donnelly teaches a camera installation, which includes the use of a personalized, portable ID card to initiate image capture (col. 4 lines 12-20 and 57-67.) Donnelly also discloses a customer only paying for photographs taken (col. 3 lines 55-56.)

Ogasawara teaches a smartcard-like identification card (fig. 2, col. 11 lines 40-63) that causes a photograph of the user to be automatically captured (col. 6 lines 36-44.) This ID card also conveys user registration and account data (col. 12 line 62 – col. 13 line 55.) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the identification card containing stored data as taught by Ogasawara, to serve as the card of the camera installation as taught by Donnelly, so that a user does not need to physically scan a card to convey card information, and instead have it automatically interrogated based on proximity to a sensor associated with the camera.

Further, Brennan is found to teach a camera installation for providing photographic images in which electronic account data is collected and photograph image data is resultantly generated at the same location (fig. 2 indicator 10; col. 3 line 65 – col. 4 line 25, col. 5 line 56 – col. 6 line 11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the ability to purchase and be photographed at a single location as taught by Brennan, with the installation and card as taught by Donnelly and Ogasawara, which includes the ability to register, pay, establish delivery data at one location and be photographed at other subsequent locations. One of ordinary skill in the art at the time of the invention would be motivated to combine these methods so that a user could register, pay, establish delivery data and be photographed, all at the same camera installation, and which would also allow for a user to make a spontaneous purchase of a photo at any location in which the service is offered (and then be established for purchasing photographs or being photographed

again at another point of activation), without having to re-establish an account or to arrange for or plan for photos to be taken prior to a vacation or event.

Regarding claim 28, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 28 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said activation device is configured to automatically activate said camera on entering said field area ('015 – col. 6 lines 36-44.) It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the automatic activation of the camera as taught by Ogasawara, into the installation as taught by Donnelly, Ogasawara and Brennan, so that images captured automatically controlled by the installation, leaving the user free to continue their activities unencumbered and undisturbed, without needing to physically scan a card or enter data.

Regarding claim 29, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 29 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said activation device is operable by a user to activate said camera ('762 – col. 4 lines 60-62.)

Regarding claim 30, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 30 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said activation device is configured to store registration data describing personal details of said user ('762 – col. 4 lines 12-16, in which the particular package purchased by the user is identified; '015 – col.4 lines 17-23.)

Regarding claim 31, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 31 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said activation device is configured to store user financial account data which is transferable to said data entry device ('015 col. 4 lines 20-22.)

Regarding claim 32, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 32 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said activation device comprises a hand held computer entity ('015 – fig. 2, col. 11 lines 40-63.)

Regarding claim 33, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 33 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said identification device is passively interrogated to read said unique identifier data when in close physical proximity to said data entry device ('015 – col. 6 lines 36-44, col. 11 lines 64 – col. 12 line 3.)

Regarding claim 34, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 34 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said registration data storage device is configured to store registration data describing personal details of said user ('015 – col.4 lines 17-23.)

Regarding claim 35, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 35 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said registration data storage device is configured to store user financial account data which is transferable to said data entry device ('015 col. 4 lines 20-22.)

Regarding claim 36, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 36 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said registration data storage device comprises a hand held computer entity ('015 – fig. 2, col. 11 lines 40-63.)

Regarding claim 37, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 37 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said data entry device comprises a radio receiver capable of receiving digital data uniquely identifying a user ('015 – fig. 1 indicator 22, col. 11 lines 64-65.)

Regarding claim 39, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 39 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation further comprising a visual display device, said visual display device displaying an operation menu, configured to prompt a user to understand operation of said camera installation, as Brennan is found to teach a photo kiosk in which the user is instructed in the operation of the kiosk via the speaker through a set of recorded instructions stored in the installation's memory (col. 6 lines 5-8.) Brennan also teaches inclusion of a flat panel color display (col. 3 lines 55-61) for use with text images (col. 6 lines 49-53.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the operational instructions as taught by Brennan, in a display format using the visual display device of the camera installation as taught by Donnelly, Ogasawara and Brennan. One of ordinary skill in the art at the time of the invention would have been motivated to combine these teachings in order to be able to prompt a

hearing-impaired user on operation of the camera installation, or so that a user could be visually prompted in situations where silence may be preferred, such as along a nature trail or within an art museum.

Regarding claim 41, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 41 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation comprising a self-supporting casing capable of freestanding installation ('740 – fig. 2 indicator 10.)

Regarding claim 42, Donnelly teaches a photographic service system comprising at least one camera installation for capturing photographic digital image data in response to an input signal generated by a person (col. 4 lines 40-49; col. 5 lined 12-16), at least one service provider computer entity (fig. 1 indicator 22; col. 4 lines 33-39) configured to receive said image data from a said camera installation (col. 5 lines 14-16), receive user registration data describing personal details of a user (col. 4 lines 10-15) and receive delivery address data specifying a delivery destination for delivery of a photographic product (col. 5 line 63 – col. 6 line 4.) Donnelly also teaches a camera installation, which includes the use of a personalized, portable ID card to initiate image capture (col. 4 lines 12-20 and 57-67) and wherein a customer only pays for photographs taken (col. 3 lines 55-56.)

Ogasawara teaches a smartcard-like identification card (fig. 2, col. 11 lines 40-63) that causes a photograph of the user to be automatically captured (col. 6 lines 36-44.) This ID card also conveys user registration and account data (col. 12 line 62 – col. 13 line 55.) It would have been obvious to one of ordinary skill in the art at the time of

the invention to employ the identification card containing stored data as taught by Ogasawara, to serve as the card of the camera installation as taught by Donnelly, so that a user does not need to physically scan a card to convey card information, and instead have it automatically interrogated based on proximity to a sensor associated with the camera.

Further, Brennan is found to teach a method of providing photographic images in which electronic account data is collected and photograph image data is resultantly generated at the same location (fig. 2 indicator 10; col. 3 line 65 – col. 4 line 25, col. 5 line 56 – col. 6 line 11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the ability to purchase and be photographed at a single location as taught by Brennan, with the installation and card as taught by Donnelly and Ogasawara, which includes the ability to register, pay, establish delivery data at one location and be photographed at other subsequent locations. One of ordinary skill in the art at the time of the invention would be motivated to combine these methods so that a user could register, pay, establish delivery data and be photographed, all at the same camera installation, and which would also allow for a user to make a spontaneous purchase of a photo at any location in which the service is offered (and then be established for purchasing photographs or being photographed again at another point of activation), without having to re-establish an account or to arrange for or plan for photos to be taken prior to a vacation or event.

Regarding claim 43, Donnelly, Ogasawara and Brennan teach all the limitations of claim 43 (see the 103(a) rejection of claim 42 supra) including a photographic service

system wherein said at least one service provider computer entity is configured to receive user account data describing financial account data of a user ('740 – col. 3 line 64 – col. 4 line 9; col. 4 lines 33-39), send said account data to a financial institution for effecting payment of a monetary amount from said user ('740 – figure 1; col. 4 lines 3-12 and lines 33-39.)

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Ogasawara (US 6,513,015), in view of Brennan (US 5,587,740), in further view of Frey et al. (6,369,908.)

Regarding claim 38, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 38 (see the 103(a) rejection of claim 27 supra) except for expressly teaching a camera installation wherein said data entry device comprises a keypad having a plurality of alphanumeric keys, by which a user may enter text data by activating said alphanumeric keys. However, Brennan is found to teach a photo kiosk which includes an alphanumeric keypad and a flat panel display, and in which the user can add a superscripted text message to a captured image (col. 3 lines 56-60; col. 6 lines 47-52.) It would have been obvious to one of ordinary skill in the art to include an alphanumeric keypad for data entry and to add the ability to include messages to a captured image as taught by Brennan, with the camera installation as taught by Donnelly, Ogasawara and Brennan, so that a user may categorize or descriptively alter a captured image with the addition of a text image, such as "Greetings from the Great

Divide" (fig. 4 indicator 130.) Brennan does not explicitly teach a user entering text data by activating said alphanumeric keys.

Nevertheless, Frey is found to teach a photo kiosk in which a user can add textual messages to a captured image via a keyboard or touch screen monitor (col. 4 lines 23-26.) It would have been further obvious to one of ordinary skill in the art at the time of the invention to add the ability to enter messages to a captured image as taught by Frey, by entering them via an alphanumeric keypad included with camera installation as taught by Donnelly, Ogasawara and Brennan, so that a user is not limited to just adding a text image, but may customize the textual message to be included on the captured image, if desired.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Ogasawara (US 6,513,015), in view of Brennan (US 5,587,740), in further view of Examiner's Official Notice.

Regarding claim 40, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 40 (see the 103(a) rejection of claim 27 supra) except for explicitly teaching a camera installation wherein said camera installation is enclosed in a weatherproof casing, for outdoor use. However, Brennan does teach a camera installation employed in outdoor use (fig. 1 indicator 10.)

Official Notice is taken regarding the knowledge that waterproof camera housings are often used when cameras are employed in outdoor environments; a concept that is well known and expected in the art. Given the applications of the camera installation of

Goldberg, it would have been obvious to one of ordinary skill in the art at the time of the invention to enclose the camera installation in a weatherproof casing in order to protect the electronics within, particularly when employed in outdoor environments where it would be exposed to the elements of nature, such as the beach or on a ski slope.

Claims 52, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Weston et al. (US 6,608,563.)

Regarding claim 52, Donnelly teaches all the limitations of claim 52 (see the 102(e) rejection of claim 44 supra) except for teaching a method wherein a said photographic image data comprises a sequence of video images.

Nevertheless, Weston is found to teach a system for automated photo capture and retrieval in which the photographic image captured comprises a sequence of video images (col. 3 lines 58-62.) It would have been obvious to one of ordinary skill in the art at the time of the invention for the photographic image of the method as taught by Donnelly, to be comprised of a sequence of video images as taught by Weston. One of ordinary skill in the art at the time of the invention would have been motivated to capture video images in order to be able to create a video album based on captured situational reactions, possibly due to theme park thrill rides, or captured video messages, to further describe or personalize the moment.

Regarding claim 54, Donnelly teaches all the limitations of claim 54 (see the 102(e) rejection of claim 44 supra) except for teaching a method further comprising the process of displaying a photographic image data on a web site.

Nevertheless, Weston is found to teach an automated photo capture and retrieval system, in which the photographic image captured may be subsequently accessed by computer over the World Wide Web or other suitable internet system (col. 10 lines 33-36 and lines 50-56.) It would have been obvious to one of ordinary skill in the art at the time of the invention to display the photographic image data of the method as taught by Donnelly, on a web site as taught by Weston. One of ordinary skill in the art at the time of the invention would have been motivated to combine this feature as a way for family and friends at remote locations to view the images of an event from a location different than that of the event or that of the destination to which the images were/will be delivered.

Regarding claim 55, Donnelly teaches all the limitations of claim 55 (see the 102(e) rejection of claim 44 supra) except for teaching a method further comprising the steps of displaying a photographic image data on a web site, and downloading a said photographic image from said web site to a remote computer entity.

Nevertheless, Weston is found to teach an automated photo capture and retrieval system in which the photographic image captured may be viewed and/or downloaded from a home computer using the World Wide Web (col. 10 lines 33-36 and lines 50-56.) It would have been obvious to one of ordinary skill in the art at the time of the invention to display and download the photographic image data of the method as taught by

Donnelly, via a web site as taught by Weston. One of ordinary skill in the art at the time of the invention would have been motivated to combine this feature as a way for family and friends at remote locations to view and receive the images of an event from a location different than that of the event or that of the destination to which the images were/will be delivered.

Claims 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Frey et al. (US 6,369,908.)

Regarding claim 53, Donnelly teaches all the limitations of claim 53 (see the 102(e) rejection of claim 44 supra) except for teaching a method further comprising the processes of collecting personalized message data from said user, and delivering a message contained in said message data, to a delivery destination, together with said image. However, it is noted that Donnelly does provide for delivery of the image to a specified destination (col. 6 lines 1-4.)

Nevertheless, Frey is found to teach a system for automated photo capture in which personalized message data from the user can be collected and superimposed on the image (col. 4 lines 23-29.) It would have been obvious to one of ordinary skill in the art at the time of the invention to add the ability to collect and superimpose personalized message data from said user onto the image as taught by Frey, with the method as taught by Donnelly, for the purpose further customizing the photograph image that is to be delivered to the destination specified.

Claims 51, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Ogasawara (US 6,513,015.)

Regarding claim 51, Donnelly teaches all the limitations of claim 51 (see the 102(e) rejection of claim 44 supra) including teaching a method further comprising collecting electronic user registration data, collecting electronic account data, and collecting delivery destination data (col. 3 lines 1-4, col. 3 line 64 – col. 4 line 13, col. 5 line 63 – col. 6 line 4), but does is not found to teach collection of this data by transmitting from a hand held computer entity device held by said user, to a camera installation comprising a camera which generates said photograph image data.

Nevertheless, Ogasawara teaches a hand held computer entity device (fig. 2, col. 11 lines 40-63) that causes a photograph of the user to be automatically captured (col. 6 lines 36-44.) This ID card also conveys user registration, account data, and assorted additional data (col. 12 line 62 – col. 13 line 55.) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the identification card containing stored data as taught by Ogasawara, to serve as the card and the hold pertinent data for transferal of the data of the method as taught by Donnelly, so that a user does not need to physically scan a card to convey card information or manually enter data, and instead can have the data transferred during an automatic interrogated based on proximity to a sensor associated with the camera and camera installation, as well as serving to put the information onto a retrievable source so that a user does not need to re-enter data multiple times. One of ordinary skill in the art at the time of the invention would have also been motivated to make this combination so that the camera

installation, possibly found in a remote location without human supervision, could receive the transmitted data necessary to have photos taken, paid for, and delivered, without requiring data entry means, such as a keypad or credit card swipe, which if required to be present, would only increase the components of the camera installation that could be vandalized or which could require maintenance.

Regarding claim 57, Donnelly teaches all of the limitations of claim 57 (see the 102(e) rejection of claim 56 supra) except for teaching a camera installation wherein a hand held computer device transmits data for identifying a user to said data entry device.

Ogasawara teaches a hand held computer entity (fig. 2, col. 11 lines 40-63) that causes a photograph of the user to be automatically captured (col. 6 lines 36-44.) This ID card also conveys user registration and account data (col. 12 line 62 – col. 13 line 55.) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the identification card containing stored data as taught by Ogasawara, to serve as the card of the camera installation as taught by Donnelly, so that a user does not need to physically scan a card to convey card information or manually enter data, and instead have it automatically interrogated based on proximity to a sensor associated with the camera and camera installation, as well as serving to put the information onto a retrievable source so that a user does not need to re-enter data multiple times. One of ordinary skill in the art at the time of the invention would have also been motivated to make this combination so that the camera installation, possibly found in a remote location without human supervision, could receive the

transmitted data necessary to have photos taken, paid for, and delivered, without requiring data entry means, such as a keypad or credit card swipe, which if required to be present, would only increase the components of the camera installation that could be vandalized or which could require maintenance.

Regarding claim 58, Donnelly teaches all of the limitations of claim 58 (see the 102(e) rejection of claim 56 supra) except for teaching a camera installation wherein data for identifying a user comprises data selected from the set: user name; user address; user bank account details; physical delivery address for photograph images; and electronic delivery address for photograph images.

Ogasawara teaches a hand held computer entity (fig. 2, col. 11 lines 40-63) that causes a photograph of the user to be automatically captured (col. 6 lines 36-44.) This ID card also conveys user registration and account data, such as name and address (col. 12 line 62 – col. 13 line 55.) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the identification card containing stored data as taught by Ogasawara, to serve as the card of the camera installation as taught by Donnelly, so that a user does not need to physically scan a card(s) to convey card information or manually enter data, and instead have it automatically interrogated based on proximity to a sensor associated with the camera.

Claims 59 and 61-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Ogasawara (US 6,513,015), in further view of Frey et al. (6,369,908.)

Regarding claim 59, Donnelly teaches a method to automatically capture an image in response to the use of a personalized ID card (col. 4 lines 12-20 and 57-67), as well as disclosing a user providing delivery details (col. 5 lines 63-65) and credit card information (col. 3 line 64 – col. 4 line 12, col. 5 lines 50-51.)

Ogasawara teaches a smartcard-like identification card (fig. 2, col. 11 lines 40-63) that causes a photograph of the user to be automatically captured (col. 6 lines 36-44.) This ID card also conveys user registration and account data (col. 12 line 62 – col. 13 line 55.) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the identification card containing stored data as taught by Ogasawara, to serve as the card and the hold pertinent data of the method as taught by Donnelly, so that a user does not need to physically scan a card to convey card information, and instead have it automatically interrogated based on proximity to a sensor associated with the camera, as well as serving to put the information onto a retrievable source so that a user does not need to re-enter data multiple times. However, neither Donnelly nor Ogasawara disclose the collection and inclusion of a personal message with the image.

Nevertheless, Frey is found to teach a system for automated photo capture in which personalized message data from the user can be collected and superimposed on the image (col. 4 lines 23-29.) It would have been obvious to one of ordinary skill in the art at the time of the invention to add the ability to collect and superimpose personalized message data from said user onto the image as taught by Frey, with the method as

taught by Donnelly and Ogasawara, for the purpose further customizing the photograph image that is to be delivered to the destination specified.

Regarding claim 61, Donnelly, Ogasawara and Frey teach all of the limitations of claim 61 (see the 103(a) rejection of claim 59 supra) including teaching a method wherein said process of delivering said image comprises delivering an electronic image data file to a specified electronic said delivery destination (col. 5 line 63 – col. 6 line 4.)

Regarding claim 62, Donnelly, Ogasawara and Frey teach all of the limitations of claim 62 (see the 103(a) rejection of claim 59 supra) including providing the teaching wherein said process of delivering said image comprises transmitting said photographic image data between first and second computer entities as electronic data ('762 – col. 5 lines 12-16 and lines 54-60; in which the data is digitally captured in a camera and transmitted from the site to the server, and then transferred to a printer), at said second computer entity, converting said photographic image data into a physical photographic print ('762 – col. 5 lines 58-63), physically delivering said physical photographic print to a physical said delivery destination ('762 – col. 5 line 63 – col. 6 line 4.)

Regarding claim 63, Donnelly, Ogasawara and Frey teach all of the limitations of claim 63 (see the 103(a) rejection of claim 59 supra) including teaching a method further comprising sending said electronic account data describing an account details of a said user, to a third party computer entity, and collecting a payment from said third party computer entity ('762 – col. 3 lien 64 – col. 4 lines 11, col. 5 lines 49-53.)

Regarding claim 64, Donnelly, Ogasawara and Frey teach all of the limitations of claim 64 (see the 103(a) rejection of claim 59 supra) including teaching a method

wherein said steps of collecting electronic user registration data, collecting electronic account data, and collecting delivery destination data comprises transmitting said electronic user registration data, electronic account data and delivery destination data from a hand held computer entity device ('015 – fig. 2, col. 11 lines 40-63), to a camera installation comprising a camera which generates said digital image ('762 – col. 5 line 14.)

Regarding claim 65, Donnelly, Ogasawara and Frey teach all of the limitations of claim 65 (see the 103(a) rejection to claim 59 supra) including teaching a method wherein a said image comprises a sequence of video images ('015 – col. 9 lines 11-27.)

Regarding claim 66, Donnelly, Ogasawara and Frey teach all of the limitations of claim 66 (see the 103(a) rejection of claim 59 supra) including teaching a method further comprising collecting personalized message data from said user; and delivering a message contained in said personalized message data, to said delivery destination, together with said image ('015 – col. 4 lines 23-29.)

Claims 67 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Ogasawara (US 6,513,015), in view of Frey et al. (6,369,908), in further view of Weston et al. (US 6,608,563.)

Regarding claim 67, Donnelly, Ogasawara and Frey teach all of the limitations of claim 67 (see the 103(a) rejection of claim 59 supra) except for teaching a method further comprising displaying a said image on a web site.

Nevertheless, Weston is found to teach an automated photo capture and retrieval system, in which the photographic image captured may be subsequently accessed by computer over the World Wide Web or other suitable internet system (col. 10 lines 33-36 and lines 50-56.) It would have been obvious to one of ordinary skill in the art at the time of the invention to display the photographic image data of the method as taught by Donnelly, Ogasawara and Frey, on a web site as taught by Weston. One of ordinary skill in the art at the time of the invention would have been motivated to combine this feature as a way for family and friends at remote locations to view the images of an event from a location different than that of the event or that of the destination to which the images were/will be delivered.

Regarding claim 68, Donnelly, Ogasawara and Frey teach all of the limitations of claim 68 (see the 103(a) rejection to claim 59 supra) except for teaching a method further comprising the steps of displaying a said image on a web site, and downloading said image from said web site to a remote computer entity.

Nevertheless, Weston is found to teach an automated photo capture and retrieval system in which the photographic image captured may be viewed and/or downloaded from a home computer using the World Wide Web (col. 10 lines 33-36 and lines 50-56.) It would have been obvious to one of ordinary skill in the art at the time of the invention to display and download the photographic image data of the method as taught by Donnelly, Ogasawara and Frey, via a web site as taught by Weston. One of ordinary skill in the art at the time of the invention would have been motivated to combine this feature as a way for family and friends at remote locations to view and receive the

images of an event from a location different than that of the event or that of the destination to which the images were/will be delivered.

Claims 60 and 69 rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Ogasawara (US 6,513,015), in view of Frey et al. (6,369,908), in further view of Baranowski (US 6,813,608.)

Regarding claim 60, Donnelly, Ogasawara and Frey teach all of the limitations of claim 60 (see the 103(a) rejection of claim 59 supra) except for teaching a method wherein said delivering said image data over a process of delivering said image comprises wireless link to a handheld computer device.

Baranowski discloses a handheld computer device that is the delivery recipient of automatically captured images (col. 18 lines 17-31.) It would have been obvious to one of ordinary skill in the art at the time of the invention for a handheld computer device as taught by Baranowski, to be the recipient of the images of the method as taught by Donnelly, Ogasawara and Frey, so that a user may personally review, resend, manipulate, or even append data to the images immediately after capture, without the need of providing costly general displays or computer terminals for all users at each camera.

Regarding claim 69, Donnelly, Ogasawara and Frey teach all of the limitations of claim 69 (see the 103(a) rejection of claim 59 supra) except for teaching a method further comprising downloading said image to a hand held personal computer device.

Baranowski discloses a handheld computer device that is the delivery recipient of automatically captured images (col. 18 lines 17-31.) It would have been obvious to one of ordinary skill in the art at the time of the invention for a handheld computer device as taught by Baranowski, to be the recipient of the images of the method as taught by Donnelly, Ogasawara and Frey, so that a user may personally review, resend, manipulate, or even append data to the images immediately after capture, without the need of providing costly general displays or computer terminals for all users at each camera.

Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762), in further view of Baranowski (US 6,813,608.)

Regarding claim 71, Donnelly teaches all the limitations of claim 70 (see the 102(e) rejection of claim 70 supra) except for teaching a system wherein further comprising a hand held computer device, capable of downloading image data from said camera.

Baranowski discloses a handheld computer device that is the delivery recipient of automatically captured images (col. 18 lines 17-31.) It would have been obvious to one of ordinary skill in the art at the time of the invention for a handheld computer device as taught by Baranowski, to be the recipient of the images of the method as taught by Donnelly, so that a user may personally review, resend, manipulate, or even append data to the images immediately after capture, without the need of providing costly general displays or computer terminals for all users at each camera.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary C. Vieaux
Examiner
Art Unit 2612

Gcv2

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600